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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 PAUL ZAPATA,

9 Plaintiff,

10 v.

11 MICHAEL J. ASTRUE, Commissioner of  
12 Social Security,

13 Defendant.

Case No. C08-5670BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

14 This matter comes before the Court on the Report and Recommendation of the  
15 Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 18). The Court having  
16 considered the Report and Recommendation, Defendant's failure to file objections, and the  
17 remaining record, does hereby find and order:

- 18 (1) The Court adopts the Report and Recommendation; and  
19 (2) Defendant's motion to dismiss (Dkt. 4) is **DENIED**. This matter is **RE-**  
20 **REFERRED** to Judge Strombom for further proceedings.

21 DATED this 30<sup>th</sup> day of June, 2009.

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25 BENJAMIN H. SETTLE  
26 United States District Judge  
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ORDER